

REMARKS

Applicants appreciate the thorough examination of the present application as reflected in the Official Action mailed October 4, 2004. Applicants have amended the claims to improve clarity and readability of the claims.

The Claims Are Not Obvious

Claims 1-7, 9-18, 22-28, 30-40, 44-49 and 51-55 stand rejected under 35 U.S.C. § 103 as obvious in light of United States Patent No. 6,651,217 to Kennedy *et al.* (hereinafter "Kennedy") and United States Patent No. 6,539,375 to Kawasaki (hereinafter "Kawasaki"). Official Action, p. 2. Claims 8, 19-21, 29, 41-43 and 50 stand rejected under 35 U.S.C. § 103 as obvious in light of Kennedy and Kawasaki and further in view of United States Patent No. 6,460,141 to Olden (hereinafter "Olden"). Official Action, p. 24.

Initially, Applicants note that to establish a *prima facie* case of obviousness, the prior art reference or references when combined must teach or suggest *all* the recitations of the claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. §2143. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. §2143.01, citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). As emphasized by the Court of Appeals for the Federal Circuit, to support combining references, evidence of a suggestion, teaching, or motivation to combine must be **clear and particular**, and this requirement for clear and particular evidence is not met by broad and conclusory statements about the teachings of references. *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). The Court of Appeals for the Federal Circuit has also stated that, to support combining or modifying references, there must be **particular** evidence from the prior art as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for

combination in the manner claimed. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000).

Applicants will address the rejections in detail below. However, in general, Applicants submit that the Official Action has failed to establish a *prima facie* case of obviousness as it has failed to establish the presence of each of the recitations of the claims in a prior art reference and has failed to provide a convincing line of reasoning as to why the cited references would be modified to result in the recitations of the claims.

Claims 1-7, 9-18, 22-28, 30-40, 44-49 and 51-55

With regard to independent Claim 1, the Official Action cites to col. 5, lines 43-53 of Kennedy as disclosing collecting meta data that comprises "context data for identifying context in which the application data are used." Official Action, pp. 2-3. The Official Action cites to the abstract of Kennedy as disclosing storing the meta data and statistical information. Official Action, p. 3. The Official Action cites to Fig. 5 and col. 5, lines 30-34 of Kennedy as disclosing retrieving application data that would be most appropriate for a current context of using the application based on the context data and the statistical information. Official Action, p. 3. The Official Action acknowledges that Kennedy does not teach determining statistical information associated with the meta data but relies on Kawasaki for such teachings. Official Action, p. 3. The Official Action concludes that it would have been obvious to combine Kennedy and Kawasaki as doing so would allow "reduced inaccurate, misleading or obsolete preferences." Official Action, p. 4. The Official Action cites to the same portions of Kennedy and Kawasaki and provides a corresponding rationale for combining these references in rejecting independent Claim 22. See Official Action, pp. 10-11. Accordingly, Applicants will address the rejections of Claims 1 and 22 together.

The Official Action cites to col. 5, lines 30-34 and Fig. 5 of Kennedy as disclosing "retrieving, from the storage, application data that would be most appropriate for a current context of using the application based on the context data and the statistical information" as recited in Claims 1 and 22. However, these portions of Kennedy merely describe two different web pages with different URLs and a prompt screen for a user to

enter data that will be used to fill out forms. Applicants submit that these portions of Kennedy do not disclose or suggest retrieving application data based on statistical information as recited in Claims 1 and 22.

With regard to "determining statistical information associated with the meta data, the statistical information indicating relationships between the meta data" as recited in Claims 1 and 22, the cited portion of Kawasaki (col. 3, lines 4-16) does not disclose or suggest determining statistical data based on application data and context data (i.e. the meta data) as recited in Claims 1 and 22. The cited portion of Kawasaki appears to describe the profiling of a user based on the user's use of the Internet and the content accessed and is not statistical analysis of meta data as recited in Claims 1 and 22. Applicants submit that merely because Kawasaki may use some statistical analysis does not disclose or suggest determining statistical information indicating relationships between meta data that comprises application data and context data as recited in Claims 1 and 22.

While Applicants submit that the cited portions of Kennedy and Kawasaki do not disclose or suggest each of the recitations of Claims 1 and 22, Applicants also submit that the cited portions of Kennedy and Kawasaki may not be properly combined to result in the recitations of Claims 1 and 22. In particular, Kawasaki relates to user profiling to target advertising to a user (Kawasaki, abstract) while Kennedy relates to the auto completion of forms as described in the background of the present application. The Official Action has cited to no portion of Kennedy or Kawasaki that describe a problem with either that would be solved or benefit that would be obtained by combining the references. In fact, the cited portion of Kawasaki (col. 2, lines 35-45) appears to be describing the content preferences of a user, not application preferences. As such, Applicants submit that the combination of the references is not supported by the references themselves but is the type of conclusory assertion that has been rejected by the Federal Circuit as not being a proper basis for establishing a prima facie case of obviousness.

In light of the above discussion, Applicants submit that Claims 1 and 22 and the claims that depend from them are patentable over the cited references for at least these reasons.

With regard to independent Claim 44, to the extent that Claim 44 includes recitations corresponding to those discussed above with reference to Claims 1 and 22, Applicants submit that Claim 44 is patentable over the cited references for reasons analogous to those discussed above with reference to Claims 1 and 22. Applicants further submit that Claim 44 recites "a data repository module, provided as an add-in module to the security architecture." The Official Action cites to col. 3, lines 1-5 of Kennedy as disclosing these recitations of Claim 44. Official Action, pp. 18-19. However, the cited portion of Kennedy does not describe an add-in module to a security architecture as recited in Claim 44 but merely describes storing user profile data. There is no indication of how this data is stored or that an add-in module is provided for a security architecture. Accordingly, Applicants submit that Claim 44 is also patentable over the cited references for at least these additional reasons.

While each of the dependent claims is patentable as depending from a patentable base claim, Applicants submit that certain of the dependent claims are also separately patentable over the cited references. For example, Claims 3, 24 and 48 recite specific examples of context data. In particular, Claims 3, 24 and 48 recite that the context data is "user roles, uniform resource identifiers (URIs), file names, and/or form names pertaining to the application data." However, the cited portions of Kennedy do not disclose or suggest the collecting this context data but merely describe identifiers for fields in a form. No cited portion of Kennedy suggests that data other than the field identifier of the form be used in filling out forms and certainly does not disclose or suggest the specific types of context data recited in Claims 3, 24 and 48. Accordingly, Applicants submit that Claims 3, 24 and 48 are separately patentable over the cited references for at least these additional reasons.

Claims 4 and 25 have been amended to recite that the application data comprises one of "page display setting data, file display setting data, user ID/password combinations, user's preference data, bookmarks, and authentication data." The Official

Action cites to Fig. 6 and col. 8, lines 36-45 of Kennedy as disclosing the recitations of Claim 4. Official Action, p. 5. However, this cited portion of Kennedy does not disclose the recited types of application data of amended Claims 4 and 25. Accordingly, Applicants submit that Claims 4 and 25 are separately patentable for at least these additional reasons.

Claims 7 and 28 recite "the statistical information indicates frequencies in which particular application data are used together in particular contexts." The portions of Kawasaki cited at page 6 of the Official Action fail to disclose determining statistical information of the relationship between application data and contexts as recited in Claims 7 and 28. Accordingly, Applicants submit that Claims 7 and 28 are separately patentable over the cited references for at least these additional reasons.

Claims 11, 33 and 55 recite "the GUI displays a graphical tool in a cylindrical configuration for organizing the stored meta data." The Official Action cites to Fig. 6 of Kennedy as providing these recitations. Official Action, p. 7. However, Fig. 6 of Kennedy does not appear to be a cylindrical configuration as recited in Claims 11, 33 and 55. Accordingly, Applicants submit that Claims 11, 33 and 55 are separately patentable over the cited references for at least these additional reasons.

Claims 8, 19-21, 29, 41-43 and 50

Claims 8, 19-21, 29, 41-43 and 50 are each dependent on a corresponding one of Claims 1, 22 and 44 and, therefore, are patentable at least as depending from a patentable base claim.

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Conclusion

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'T. O'Sullivan', with a long horizontal flourish extending to the right.

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